

Appl. No. : 09/821,371
Filed : March 29, 2001

COMMENTS

Status of Claims

Claims 1-16, 19-28, 30-40, 43-48 and 50-86 are presently pending in this reissue application. Claims 1-15 correspond to Claims 1-15 of U.S. Patent No. 5,890,128 for which reissue is sought and Claims 16- 19-28, 30-40, 43-48 and 50-86 have been added in the reissue application.

With respect to the Amendment filed on October 11, 2002, Claims 36, 56-74, and 86 have been canceled. No other changes have been made to the claims.

Matters of Form

Per Examiner's Nguyen's request this Supplemental Amendment is being filed to correct certain informalities with Amendments previously filed in this application. Specifically, the bolded text in the claims has been removed. In addition, pursuant to 37 C.F.R. § 1.173(b), attached to this Amendment on a separate set of pages is an explanation of the support in the disclosure for the changes made to the claims as compared to the original patent.

The Reissue Oath/Declaration.

With this Amendment, Applicant is providing a Third Supplemental Declaration.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

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Respectfully submitted,

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Explanation of Support for Changes Made Pursuant to 37 C.F.R. § 1.173(c)

Claim	Support for Changes
1 (Amended)	Col. 14, lines 26-35 and Figures 1 and 2, elements 70 and 74.
2 (Amended)	Grammatical change suggested by the Examiner in Office Action dated December 14, 2001. Support in original claim.
3 (Amended)	Grammatical change suggested by the Examiner in Office Action dated December 14, 2001. Support in original claim.
4 (Amended)	Grammatical change suggested by the Examiner in Office Action dated December 14, 2001. Support in original claim.
5 (Amended)	Grammatical change suggested by the Examiner in Office Action dated December 14, 2001. Support in original claim.
6 (Amended)	Grammatical change suggested by the Examiner in Office Action dated December 14, 2001. Support in original claim.
7 (Original)	NA
8 (Amended)	Grammatical change suggested by the Examiner in Office Action dated December 14, 2001. Support in original claim.
9 -15 (Original)	NA

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Claim	Support for Changes
16 (Previously presented)	
(a)	"a hand held computer case" Col. 13, lines 57-58
(b)	"electronic computer having the usual data processing circuitry, ROM, RAM, LCD..." Col. 13, lines 55-65. "alphabetical keyboard 56" <i>Id.</i> "liquid crystal display LCD" Col. 14, lines 11-14.
(c)	"calories/fat associated with this entry are stored in memory" Col. 15, lines 5-15; "the user selects exercise, block 114, ... to receive activity from RAM, block 122." <i>Id.</i> See also Col. 5, lines 58-65.
(d)	"FIG. 10 is a flowchart showing the steps taken to enter food items consumed or view food items before consumption" Col. 18, lines 1-5 and FIG. 10. "FIG. 11 shows a flow chart to view or enter exercises." Col. 18, lines 27-30 and FIG. 11.
(e)	"FIGS. 12, 12A, 12B are a flowchart showing the steps the user must take to view his/her daily and historical weight, fat intake, caloric intake, caloric output..." Col. 18, lines 61-65. "The manual and automatic exercise data is fed to the total daily output and target calculations, block 78, where it is used along with personal profile data to derive appropriate caloric/fat targets and caloric output information which in turn is stored under today's totals, block 130." Col. 15, lines 22-26.
(f)	"For automatic operation he/she uses the built in timer or wireless activity sensor input, block 110 from the receiver 63." Col. 15, lines 20-21.
17 (Canceled)	NA
18 (Canceled)	NA
19 (Previously presented)	"To enter or change personal profile data select set up, block 58, in the main menu and press the enter button..." Col. 14, lines 44-45.
20 (Previously presented)	"to provide a personalized hand held calorie computer that will use personal profile data to calculate daily individual calorie burning characteristics." Col. 6, lines 51-54. "where it is used along with personal profile data to drive appropriate caloric/fat targets and caloric output information" Col. 15, lines 23-25.
21 (Previously presented)	Col. 14, line 58. Col. 16, lines 60-65.

Claim	Support for Changes
22 (Previously presented)	"[T]he user then keys in the fraction or number of servings..." "These calories/fat associated with this entry are stored in memory" Col. 15, lines 8-12.
23 (Previously presented)	"[T]he user then keys in the fraction or number of servings..." "These calories/fat associated with this entry are stored in memory" Col. 15, lines 8-12.
24 (Previously presented)	"[T]he user then keys in the fraction or number of servings..." "These calories/fat associated with this entry are stored in memory" Col. 15, lines 8-12.
25 (Previously presented)	"[T]he user then keys in the fraction or number of servings..." "These calories/fat associated with this entry are stored in memory" Col. 15, lines 8-12.
26 (Previously presented)	"[H]e/she enters the rate and the time, block 118, of the exercise and presses the enter button 32." "[E]xercise data is fed to the total daily output and target calculations, block 78..." Col. 15, lines 18-23.
27 (Previously presented)	"For automatic operation he/she uses the built in timer ..." Col. 15, line 20.
28 (Previously presented)	"If the user wishes to use the timer, presses the enter button 32." Col. 18, lines 51-55.
29 (Canceled)	NA
30 (Previously presented)	"When the lifestyle screen 154 appears the user selects his/her lifestyle and presses the enter button, block 444." Col. 16, lines 65-67. See also FIG. 7, element 154. "The user's personal data such as age, sex, weight, height and lifestyle ... to calculate suggested weight, daily target calories and fat, daily calorie output, and exercise burning rates." Col. 13, lines 32-35.
31 (Previously presented)	"The user's personal data such as age, sex, weight, height and lifestyle ... to calculate suggested weight, daily target calories and fat, daily calorie output, and exercise burning rates." Col. 13, lines 32-35.
32 (Previously presented)	"FIGS. 12, 12A, 12B are a flowchart showing the steps the user must take to view his/her daily and historical weight, fat intake, caloric intake, caloric output, and target data in the from of charts and graphs." Col. 18, lines 61-65 and Figure 12, element 182.
33 (Currently amended)	"FIGS. 12, 12A, 12B are a flowchart showing the steps the user must take to view his/her daily and historical weight, fat intake, caloric intake, caloric output, and target data in the from of charts and graphs." Col. 18, lines 61-65 and Figure 12B, element 200.

Claim	Support for Changes
34 (Previously presented)	"FIGS. 12, 12A, 12B are a flowchart showing the steps the user must take to view his/her daily and historical weight, fat intake, caloric intake, caloric output, and target data in the form of charts and graphs." Col. 18, lines 61-65 and Figure 12A, element 190.
35 (Previously presented)	"FIGS. 12, 12A, 12B are a flowchart showing the steps the user must take to view his/her daily and historical weight, fat intake, caloric intake, caloric output, and target data in the form of charts and graphs." Col. 18, lines 61-65 and Figure 3, element 200.
36 (Canceled)	NA
37 (Currently amended)	"Reset contact 36 acknowledges alarms and stops alarm audible signal..." Col. 14, lines 16-20.
38 (Previously presented)	"a personalized hand held caloric computer that generates tone or musical alarms when the user exceeds or nears his/her daily caloric/fat targets" Col. 7, lines 7-9.
39 (Previously presented)	Col. 24, lines 1-8.
40 (Previously presented)	
Preamble	"a hand held computer case" Col. 13, lines 57-58. "electronic computer having the usual data processing circuitry, ROM, RAM, LCD..." Col. 13, lines 55-65. "alphabetical keyboard 56" <i>Id.</i> "liquid crystal display LCD" Col. 14, lines 11-14.
2 nd Paragraph	"calories/fat associated with this entry are stored in memory" Col. 15, lines 5-15; "the user selects exercise, block 114, ... to receive activity from RAM, block 122." <i>Id.</i> See also Col. 5, lines 58-65.
3 rd -11 th Paragraph	"FIG. 10 is a flowchart showing the steps taken to enter food items consumed or view food items before consumption" Col. 18, lines 1-5 and FIG. 10. "FIG. 11 shows a flow chart to view or enter exercises." Col. 18, lines 27-30 and FIG. 11. "FIGS. 12, 12A, 12B are a flowchart showing the steps the user must take to view his/her daily and historical weight, fat intake, caloric intake, caloric output..." Col. 18, lines 61-65. "The manual and automatic exercise data is fed to the total daily output and target calculations, block 78, where it is used along with personal profile data to derive appropriate caloric/fat targets and caloric output information which in turn is stored under today's totals, block 130." Col. 15, lines 22-26. "For automatic operation he/she uses the built in timer or wireless activity sensor input, block 110 from the receiver 63." Col. 15, lines 20-21.

Claim	Support for Changes
43 (Previously presented)	"When the lifestyle screen 154 appears the user selects his/her lifestyle and presses the enter button, block 444." Col. 16, lines 65-67. <i>See also</i> FIG. 7, element 154. "The user's personal data such as age, sex, weight, height and lifestyle ... to calculate suggested weight, daily target calories and fat, daily calorie output, and exercise burning rates." Col. 13, lines 32-35.
44 (Previously presented)	"[T]he user then keys in the fraction or number of servings..." "These calories/fat associated with this entry are stored in memory ..." Col. 15, lines 8-12.
45 (Previously presented)	"[T]he user then keys in the fraction or number of servings..." "These calories/fat associated with this entry are stored in memory" Col. 15, lines 8-12.
46 (Previously presented)	"[T]he user then keys in the fraction or number of servings..." "These calories/fat associated with this entry are stored in memory" Col. 15, lines 8-12.
47 (Previously presented)	"[T]he user then keys in the fraction or number of servings..." "These calories/fat associated with this entry are stored in memory" Col. 15, lines 8-12.
48 (Previously presented)	"[H]e/she enters the rate and the time, block 118, of the exercise and presses the enter button 32." "[E]xercise data is fed to the total daily output and target calculations, block 78..." Col. 15, lines 18-23. "For automatic operation he/she uses the built in timer ..." Col. 15, line 20.
49 (Canceled)	NA
50 (Previously presented)	"When the lifestyle screen 154 appears the user selects his/her lifestyle and presses the enter button, block 444." Col. 16, lines 65-67. <i>See also</i> FIG. 7, element 154. "The user's personal data such as age, sex, weight, height and lifestyle ... to calculate suggested weight, daily target calories and fat, daily calorie output, and exercise burning rates." Col. 13, lines 32-35.
51 (Previously presented)	"FIGS. 12, 12A, 12B are a flowchart showing the steps the user must take to view his/her daily and historical weight, fat intake, caloric intake, caloric output, and target data in the from of charts and graphs." Col. 18, lines 61-65 and Figure 12, element 182.
52 (Previously presented)	"FIGS. 12, 12A, 12B are a flowchart showing the steps the user must take to view his/her daily and historical weight, fat intake, caloric intake, caloric output, and target data in the from of charts and graphs." Col. 18, lines 61-65 and Figure 12B, element 200.

Claim	Support for Changes
53 (Previously presented)	"FIGS. 12, 12A, 12B are a flowchart showing the steps the user must take to view his/her daily and historical weight, fat intake, caloric intake, caloric output, and target data in the form of charts and graphs." Col. 18, lines 61-65 and Figure 12A, element 190.
54 (Previously presented)	"FIGS. 12, 12A, 12B are a flowchart showing the steps the user must take to view his/her daily and historical weight, fat intake, caloric intake, caloric output, and target data in the form of charts and graphs." Col. 18, lines 61-65 and Figure 3, element 200.
55 (Previously presented)	See support for Claim 40 and "When the user enters the PIN, block 72, and presses the enter button 32 it is compared with the password, block 88, in memory, block 86. Col. 14, lines 34-36.
56-74 (Canceled)	NA
75 (Previously presented)	"When the lifestyle screen 154 appears the user selects his/her lifestyle and presses the enter button, block 444." Col. 16, lines 65-67. See also FIG. 7, element 154. "The user's personal data such as age, sex, weight, height and lifestyle ... to calculate suggested weight, daily target calories and fat, daily calorie output, and exercise burning rates." Col. 13, lines 32-35.
76 (Previously presented)	"[T]he user then keys in the fraction or number of servings..." "These calories/fat associated with this entry are stored in memory" Col. 15, lines 8-12.
77 (Previously presented)	"[T]he user then keys in the fraction or number of servings..." "These calories/fat associated with this entry are stored in memory" Col. 15, lines 8-12.
78 (Previously presented)	"[T]he user then keys in the fraction or number of servings..." "These calories/fat associated with this entry are stored in memory" Col. 15, lines 8-12.
79 (Previously presented)	"[T]he user then keys in the fraction or number of servings..." "These calories/fat associated with this entry are stored in memory" Col. 15, lines 8-12.
80 (Previously presented)	"[H]e/she enters the rate and the time, block 118, of the exercise and presses the enter button 32." "[E]xercise data is fed to the total daily output and target calculations, block 78..." Col. 15, lines 18-23. "For automatic operation he/she uses the built in timer ..." Col. 15, line 20.
81 (Previously presented)	"[H]e/she enters the rate and the time, block 118, of the exercise and presses the enter button 32." "[E]xercise data is fed to the total daily output and target calculations, block 78..." Col. 15, lines 18-23. "For automatic operation he/she uses the built in timer ..." Col. 15, line 20.

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Claim	Support for Changes
82 (Previously presented)	"FIGS. 12, 12A, 12B are a flowchart showing the steps the user must take to view his/her daily and historical weight, fat intake, caloric intake, caloric output, and target data in the from of charts and graphs." Col. 18, lines 61-65.
83 (Previously presented)	"FIGS. 12, 12A, 12B are a flowchart showing the steps the user must take to view his/her daily and historical weight, fat intake, caloric intake, caloric output, and target data in the from of charts and graphs." Col. 18, lines 61-65.
84 (Previously presented)	"FIGS. 12, 12A, 12B are a flowchart showing the steps the user must take to view his/her daily and historical weight, fat intake, caloric intake, caloric output, and target data in the from of charts and graphs." Col. 18, lines 61-65.
85 (Previously presented)	"FIGS. 12, 12A, 12B are a flowchart showing the steps the user must take to view his/her daily and historical weight, fat intake, caloric intake, caloric output, and target data in the from of charts and graphs." Col. 18, lines 61-65.
86 (Canceled)	NA